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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,039	02/17/2004	Sanford Henick	36869-297371	8365

7590

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,039

Applicant(s)

HENICK ET AL.

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 16-21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 22-26 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 8, 11-15, 27-30 is/are rejected.
- 7) ☒ Claim(s) 5 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 16-21 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 20, 2006.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 6, 7, 11, 12, 27, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner, U. S. Patent 2,769,276 in view of Gooch, U. S. Patent 4,860,477 and Johnson, U. S. Patent 2,466,243.

3. Steiner teaches a mobile adapted to suspend three-dimensional objects 21 comprising an arc shaped support arm 10 and hanging assembly. The hanging assembly includes an upper loop 14, a swivel member/freely rotating connector 13, and horizontal arm 18 having loops

19 at opposite ends thereof. Each loop further supports the three-dimensional bird 21.

4. Gooch teaches a Styrofoam ball advertising display apparatus comprising a line 20 or 23 having a plurality of display members 14 rotatably hanging therefrom. Each display member (sphere 14) is rotatably connected to the line by spinner/swivel joint 5. The spinner joint includes a body portion 8, a first eyelet 10 extending from one end of the body and a second eyelet 6 extending from the opposite end of the body.

5. Johnson teaches a swivel comprising a central sleeve body 1 and an eye 6 extending from a central aperture or axial bore 4 at each end of the body 1. The eyes 6 are rotatably connected to spindle 5 within the axial bore 4.

6. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the mobile taught by Steiner with the hanging assembly with a swivel member associated with each display member taught by Gooch to increase the aesthetic appearance of the device by increasing the rotation ability of each display item. Further, since the applicant does not disclose that rotatable connectors having an eye hook extending through an aperture in each of the top and bottom of a

central body and rotatably secured in the central body solves any stated problem or is for any particular purpose, it appears that utilizing any suitable swivel member would perform equally well in rotatably securing each display assembly to the frame. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the spinner/swivel assembly taught by Steiner and Gooch with a central body and eyes extending from opposite ends thereof to provide a mean to protect the rotation portion of each of the eyes from damage.

7. With respect to claims 11 and 12, Steiner teaches a plurality of display items suspended from at least one end of the arm.
8. With respect to claim 3, Steiner teaches the arm made of a stiff rod or wire.
9. With respect to claim 7, Steiner teaches a swivel having an upper eye hook 14 and a lower eye hook 15 mounted to the central body 13 of the swivel.
10. Claims 2 and 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner in view of Gooch and Johnson, as applied to claim 1 above, and further in view of Nursery Birds by Kenner, copyright

1954. Nursery Bird teaches a mobile adapted to suspend three-dimensional birds comprising an arc shaped support arm and hanging assembly. The hanging assembly that allow the Butterflies to swing and circle freely and horizontal arm having closed loops at opposite ends thereof and a closed center loop. The end loops further supports the three-dimensional bird 21. The center loop corresponds to the balancing point.

11. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the mobile taught by Steiner in view of Gooch and Johnson with closed loops to provide a means to more securely retain the arms.

12. Claims 8 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner in view of Gooch and Johnson, as applied to claim 1 above, and further in view of Posey, 5,329,874. Posey teaches a hanging sign having a S-shaped hook 20 for suspending the device from a support.

13. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the mobile taught by Steiner in view of Gooch and Johnson with S-shaped hooks to provide a means to facilitate insertion and removal of the display items.

14. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner in view of Gooch and Johnson, as applied to claim 1 above and in further view of Henrick, U. S. Design Patent 444,633.
- 15.

Allowable Subject Matter

16. Claims 10 and 22-26 are allowed.
17. Claims 5, 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

18. Applicant's arguments with respect to claim 1 and 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a

first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
November 13, 2006